IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7937 OF 2005

1. Deepak Shripati Gaikwad & 2 ors.] .. Petitioners

Versus

1. The State of Maharashtra & 3 ors.] .. Respondents

Mr. Sharwari Shailendra with Mr. P.S. Dani for the petitioners.

Mr. V.P. Malwankar, AGP, for the respondents No.1 & 2.

CORAM: R.M. LODHA &
NARESH H. PATIL, JJ.

DATED: 21ST JULY, 2006

P.C. :

. We heard Ms. Sharwari Shailendra, counsel for the petitioners.

2. The grievance of the petitioner is that Mr. B.B. Mane who has been appointed as Examination Officer does not possess the eligibility as specified in the Notification (Exhibit-H).

3. As per the Notification (Exh-H), the Examination Officer under Section 88 should possess the following qualifications:

> "1. He should be held on post not lower in rank than that of the District Deputy Registrar, Dy. Collector, or a Civil Judge (S.D.).
>
> 2. If such person is not available the person to be selected should possess legal qualification and background which would enable him to take a judicious view of the cases examined by him."

4. Mr. B.B. Mane is admittedly a Chartered Accountant and, therefore, he can be assumed to possess a legal qualification to take a judicious view of the cases examined by him. In our considered view, he fulfils the eligibility as set out above in paragraph 2.

5. The appointment of Mr. B.B. Mane as Examination Officer under Section 88 cannot be faulted.

6. Writ Petition is dismissed in limine.

Sd/-
[R.M. LODHA, J.]

Sd/-
[NARESH H. PATIL, J.]